

1 LERACH COUGHLIN STOIA GELLER  
2 RUDMAN & ROBBINS LLP  
3 KIMBERLY C. EPSTEIN (169012)  
4 SYLVIA SUM (207511)  
5 100 Pine Street, Suite 2600  
6 San Francisco, CA 94111  
7 Telephone: 415/288-4545  
8 415/288-4534 (fax)  
9 – and –  
10 WILLIAM S. LERACH (68581)  
11 DARREN J. ROBBINS (168593)  
12 401 B Street, Suite 1600  
13 San Diego, CA 92101  
14 Telephone: 619/231-1058  
15 619/231-7423 (fax)

## 9 | Lead Counsel for Plaintiffs

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

13 In re UTSTARCOM, INC. SECURITIES ) Master File No. C-04-4908-JW(PVT)  
14 LITIGATION )  
15 \_\_\_\_\_ ) CLASS ACTION  
16 This Document Relates To: ) STIPULATION REGARDING BRIEFING  
17 ) SCHEDULE (BANC OF AMERICA  
18 ALL ACTIONS. ) SECURITIES LLC)  
19 )

18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1           WHEREAS, on July 26, 2005, lead plaintiffs Locals 302 and 612 of the International Union  
2 of Operating Engineers-Employers Construction Industry Retirement Trust and Erwin DeBruycker  
3 ("plaintiffs") filed their First Amended Consolidated Complaint for Violation of the Federal  
4 Securities Laws ("Amended Complaint");

5 WHEREAS, defendant Banc of America Securities LLC ("defendant") has been duly served;

6 WHEREAS, defendant's answer is due on August 17, 2005;

7 WHEREAS, the parties have met and conferred and have agreed, subject to the approval of  
8 the Court, to a briefing schedule for defendant's response to the Amended Complaint; and

9 WHEREAS, on July 27, 2005, this Court approved a stipulation between plaintiffs and the  
10 UTStarcom defendants setting forth the same briefing schedule;

11 NOW, THEREFORE, IT IS HEREBY STIPULATED, pursuant to Civil L.R. 7-12, that:

12           1.     Defendant shall file its response to the Amended Complaint on or before October 10,  
13 2005;

14 2. Should defendant file a motion to dismiss, plaintiffs shall file their opposition thereto  
15 on or before November 23, 2005;

16       3.     Defendant shall file any reply in support of its motion to dismiss on or before  
17 December 22, 2005; and

18       4.     The hearing on defendant's motion to dismiss shall be set for Monday, January 9,  
19 2006, at 9:00 a.m.

20 | DATED: August 17, 2005

LERACH COUGHLIN STOIA GELLER  
RUDMAN & ROBBINS LLP  
KIMBERLY C. EPSTEIN  
SYLVIA SUM

*[Signature]*

100 Pine Street, Suite 2600  
San Francisco, CA 94111  
Telephone: 415/288-4545  
415/288-4534 (fax)

STIPULATION REGARDING BRIEFING SCHEDULE (BANC OF AMERICA SECURITIES LLC) - C-04-4908-JW(PVT)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

LERACH COUGHLIN STOIA GELLER  
RUDMAN & ROBBINS LLP  
WILLIAM S. LERACH  
DARREN J. ROBBINS  
401 B Street, Suite 1600  
San Diego, CA 92101  
Telephone: 619/231-1058  
619/231-7423 (fax)

Lead Counsel for Plaintiffs

DATED: August 17, 2005

KEKER & VAN NEST LLP  
RACHAEL E. MENY

  
RACHAEL E. MENY

710 Sansome Street  
San Francisco, CA 94111  
Telephone: 415/319-5400  
415/397-7188 (fax)

CADWALADER WICKERSHAM & TAFT LLP  
GREGORY A. MARKEL  
RONIT SETTON  
One World Financial Center  
New York, NY 10281  
Telephone: 212/504-6000  
212/504-6666 (fax)

Attorneys for Defendant Banc of America  
Securities LLC

\* \* \*

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 8/22/05

/s/ James Ware

THE HONORABLE JAMES A. WARE  
UNITED STATES DISTRICT JUDGE

T:\Cases\SFUTStarcom\S\\_000023315.doc

DECLARATION OF SERVICE BY MAIL AND FACSIMILE

I, the undersigned, declare:

3       1. That declarant is and was, at all times herein mentioned, a citizen of the United States  
4 and employed in the City and County of San Francisco, over the age of 18 years, and not a party to  
5 or interested party in the within action; that declarant's business address is 100 Pine Street,  
6 Suite 2600, San Francisco, California 94111.

7       2.       That on August 17, 2005, declarant served the **STIPULATION REGARDING**  
8 **BRIEFING SCHEDULE (BANC OF AMERICA SECURITIES LLC)** by depositing a true copy  
9 thereof in a United States mailbox at San Francisco, California in a sealed envelope with postage  
10 thereon fully prepaid and addressed to the parties listed on the attached Service List. Declarant also  
11 served the parties by facsimile.

12       3.     That there is a regular communication by mail between the place of mailing and the  
13 places so addressed.

14 I declare under penalty of perjury that the foregoing is true and correct. Executed this 17th  
15 day of August, 2005, at San Francisco, California.

*Jerry Cohen*  
JERRY COHEN

UTSTARCOM 04 (CA) (LEAD)  
Service List - 8/16/2005 (04-0558C)  
Page 1 of 1

**Counsel For Defendant(s)**

Gregory A. Markel  
Ronit Setton  
Cadwalader, Wickersham & Taft LLP  
One World Financial Center  
New York, NY 10281  
212/504-6000  
212/504-6666(Fax)

Robert A. Sacks  
Sullivan & Cromwell LLP  
1888 Century Park East, Suite 2100  
Los Angeles, CA 90067  
310/712-6600  
310/712-8800(Fax)

Boris Feldman  
Terry T. Johnson  
Bahram Seyedin-Noor  
Wilson Sonsini Goodrich & Rosati, P.C.  
650 Page Mill Road  
Palo Alto, CA 94304-1050  
650/493-9300  
650/493-6811(Fax)

Rachael E. Meny  
Keker & Van Nest LLP  
710 Sansome Street  
San Francisco, CA 94111  
415/391-5400  
415/397-7188 (Fax)

**Counsel For Plaintiff(s)**

Kimberly C. Epstein  
Sylvia Sum  
Lerach Coughlin Stoia Geller Rudman &  
Robbins LLP  
100 Pine Street, Suite 2600  
San Francisco, CA 94111-5238  
415/288-4545  
415/288-4534(Fax)

William S. Lerach  
Darren J. Robbins  
Lerach Coughlin Stoia Geller Rudman &  
Robbins LLP  
401 B Street, Suite 1600  
San Diego, CA 92101-4297  
619/231-1058  
619/231-7423(Fax)